

PART 2000 - GENERAL

SUBPART Z - MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF LAND MANAGEMENT
AND THE FARMERS HOME ADMINISTRATION

§2000.1251 General.

The Farmers Home Administration (FmHA) has entered into a Memorandum of Understanding with the Bureau of Land Management (BLM). The memorandum provides for cooperation, to the extent possible, in the use of the agencies' authorities to assist rural communities in obtaining land for housing and public facilities and services to meet the needs caused by energy development activities in areas impact by increased coal or uranium development activities. The memorandum is attached as Exhibit A.

§2000.1252 Authorities.

The authorities for the respective agencies are cited in the memorandum.

§2000.1253 Coordination.

Personnel of the Farmers Home Administration and Bureau of Land Management must coordinate the implementation of this memorandum at the National and State levels.

§2000.1254 - 2000.1300 [Reserved]

Attachment: Exhibit A

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Distribution: W, S, D, C

Administration
General

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Washington, D.C. 20250

Memorandum of Understanding between the Bureau
of Land Management (BLM), U.S. Department of
Interior, and the Farmers Home Administration
(FmHA), U.S. Department of Agriculture, pertaining
to the use and/or disposal of Public Lands in Coal
and Uranium Impacted Areas.

I. PREAMBLE. This Memorandum of Understanding sets forth the desire of FmHA and BLM to cooperate in use of their respective authorities, to the extent possible, to assist rural communities in obtaining land for housing and public facilities and services to meet the needs caused by energy development activities in areas impacted by increased coal or uranium development activities.

II. AUTHORITY

1. Section 601 of Public Law 95-620, the Powerplant and Industrial Fuel Use Act of 1978, (92 Stat. 3323) authorizes the Farmers Home Administration to provide assistance to areas impacted by increased coal or uranium development activities.

2. Section 603 of Public Law 92-419, the Rural Development Act of 1972, (86 Stat. 675) authorizes the Secretary of Agriculture to provide leadership and coordination of rural development programs within the executive branch.

3. Public Law 94-57, the Federal Land Policy and Management Act of 1976, (90 Stat. 2743) (FLPMA), authorizes the Secretary of Interior to sell and/or authorize the use of a tract of Public lands (except lands in units of the National Wilderness Preservation Systems, National Wild and Scenic Rivers Systems, and National System of Trails) when the Secretary determines that the sale or use of the tract meets certain disposal criteria and such disposal has been identified through land use planning by the Secretary. Sec. 307 of FLPMA is BLM's authorization to enter into this agreement.

III. DEFINITIONS

1. Approved designated area can be a group of counties, a county, or a part of a county designated as an energy impacted area by the Governor of a State and approved by the Secretary of Energy.

2. Coal and uranium development activities is the production, processing, or transportation of coal or uranium.

3. Energy impacted area is an area where coal or uranium development activities have a significant impact on the socioeconomic structure of the area and which meets the following criteria:

a. Either employment in coal or uranium production development activities in the area is increased for the most recent calendar year by eight percent or more from the immediately preceding year, or employment in such activities will increase eight percent or more per year during each of the three calendar years after the date of such finding;

b. Such employment increase has required or will require substantial increases in housing or public facilities or services or combination of both in the area; and

c. The State and the local government or governments serving the area lack the financial and other resources to meet the increase in demand for housing or public facilities or services within a reasonable time.

4. Public facilities are installations open to the public and used for the public welfare. This includes but is not limited to: hospitals, clinics, firehouses, parks, recreation areas, sewer plants, water plants, community centers, libraries, city or town halls, jailhouses, courthouses, and schoolhouses.

5. Public lands means any land or interest in land owned by the United States within the several States and administered by the Secretary of Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts, and Eskimos.

6. Public services is the provision to the public of services such as health care, fire and police protection, recreation, etc.

7. Site is a plot of land which is suitable or can be made suitable for providing housing, public facilities, or services.

8. State Investment Strategy for Energy Impacted Areas is the investment strategy for the development of approved designated areas within a State as proposed by the Governor and approved by FmHA.

IV. GENERAL GUIDELINES

1. The FmHA administers the Energy Impacted Area Development Assistance Program (Section 601) through its State and District Offices. The primary contact for financial assistance under the Section 601 program is the State FmHA Office. The BLM administers the public lands for purposes of this memorandum through its State and District Offices. The primary contact for availability of "public land" is the BLM State Office.

2. The FmHA State Office in any state having public lands will notify the BLM State Office when (a) a preapplication or an application is received, and it is likely that public lands could be involved, and (b) when the State Investment Strategy for Energy Impacted Areas has been approved by FmHA. A copy of said investment strategy will be provided to the BLM State Office.

3. FmHA and BLM will establish a liaison at both the State and National level and periodically coordinate their activities to: (a) exchange detailed information concerning energy impact assistance; (b) define areas of cooperation between the two agencies; (c) assure that their programs are meeting the needs of energy impacted areas to the maximum extent possible; (d) establish new methods to serve energy impacted areas more expeditiously, (e) achieve maximum utilization of their respective resources; (f) effect the exchange of addresses of appropriate State and District Offices serving States with energy impacted areas; and (g) identify areas likely to be impacted by federal coal leasing.

4. The BLM State Offices will provide FmHA State Offices and Governors' Offices with copies of their coal related land-use plans and activity plans for consideration in the development of State Investment Strategies for Energy Impacted Areas and will alert FmHA of applications filed for major coal and uranium facilities.

5. The FmHA State Offices will provide information on their grants for growth management and housing planning and grants for site acquisition and development for housing and public facilities and services to BLM State Offices to be appropriately considered during energy mineral management.

V. HOW ENERGY IMPACT ASSISTANCE IS MADE AVAILABLE

1. How FmHA energy impact grants for acquisition and/or development of land for housing and/or public facilities and services are made available:

States, councils of local government, and local governments serving energy impacted areas are eligible for grants after the area has been designated as an energy impacted area by the Governor of the appropriate State and that designation has been approved by the Secretary of Energy. Growth management plans for energy impacted areas prepared by States, multicounty planning districts, or localities must identify, among other things, specific projects for housing and/or public facilities and services which are needed as a result of energy development activities. FmHA must approve these plans. The Governor will utilize these plans in preparing the State Investment Strategy for Energy Impacted Areas. This State Investment Strategy will contain a list of projects to be funded under the Energy Impacted Area Development Assistance Program. Projects will be funded by FmHA only if they are contained in an FmHA approved plan and are on the Governor's State Investment Strategy.

2. How public lands can be made available by BLM for purposes of the Section 601 program:

a. Tracts of public land may be sold to States and local governments at fair market value under Sec. 203 of FLPMA. Sales may be

made on a non-competitive basis since the public interest would best be served by a direct sale. Such sales will be for the minimum acreage needed for a specific project, and in conformance with BLM's land use plans.

b. Tracts of public lands may also be disposed of under the sale and/or lease provisions of the Recreation and Public Purposes Act (Act of June 14, 1926, as amended; 44 Stat. 741; 68 Stat. 173; 43 U.S.C. 869), for recreation or public purposes. Such disposal will be in conformance with BLM's land use plan.

c. Transfers of interest in public lands may also be authorized under the lease/permit provision of Sec. 302 of the FLPMA, if such action is in conformance with BLM's land use plans.

d. Acquisition of rights-of-way may also be authorized under Title V of FLPMA.

3. Under the authority set forth in Section 603 of the Rural Development Act of 1972, FmHA State Offices will convene meetings among appropriate Federal, State, and local agencies to coordinate and provide assistance, where possible, to energy impacted areas. BLM State Offices will actively participate in planning for and attending these meetings in order to provide assistance, where possible, in these energy impacted areas.

VI. DESCRIPTION OF ENERGY IMPACT ASSISTANCE POLICIES

1. The FmHA makes grants for growth management and housing planning and for land acquisition and development of the land for housing and public facilities and services in energy impacted areas. FmHA will use the Section 603 authority to coordinate all appropriate Federal assistance to help energy impacted areas in responding to the impact on rural communities caused by energy development activities. FmHA has other assistance for which such areas may qualify programs.

2. The BLM will sell or otherwise make available public land needed in energy impacted areas, wherever possible, to State or local governments for use for housing and/or public facilities and services. Such disposal will be in conformance with BLM's land use plans and criteria for disposal which have been legally established.

VII. ADMINISTRATIVE GUIDELINES

1. The services of FmHA and BLM to applicants and others in the energy impacted areas, as set forth herein, are by mutual agreement services that each agency would provide in the normal course of business, and there will be no reimbursement by either agency to the other for such services.

2. The National Office of FmHA and the National Office of BLM will cooperate in counseling their field offices and in resolving problems in specific cases.

3. This Memorandum of Understanding in no way alters or supersedes any existing memorandums between the two agencies.

4. This agreement may be amended at any time by written agreement of both parties.

5. This agreement can be cancelled after proper notice by either agency head.

6. A joint review of cooperation under this agreement will be made at the National Office level annually.

7. All BLM land planning, examination, and disposal activities will be subject to available manpower and appropriation. All FmHA activities under this memorandum will also be subject to available manpower and appropriation.

8. This agreement shall take effect upon the date of execution thereof.

/s/ Ed Hartey for

FRANK GREGG
Director
Bureau of Land Management

1/13/81
Date: _____

/s/s

GORDON CAVANAUGH
Administrator
Farmers Home Administration

1/8/81
Date: _____

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